TELLS THE FACTS AND NAMES THE NAMES

CounterPunch

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The Huge Flaw at the Heart of the Goldstone Report

By Jennifer Loewenstein

At the Nuremberg Tribunal in 1945, "Aggression" was defined as "the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole." Chief counsel for the United States at Nuremberg, Justice Robert Jackson, defined the aggressor as the state that is the first to commit such actions as "invasion of its armed forces, with or without a declaration of war, of the territory of another state." Jackson also called attention to the principle of universality, or the simple but too often overlooked fact that what applies to our enemies must apply equally to ourselves. For one state or court of justice to apply international law according to the perceived national security interests of a few, or a unilateral interpretation of "evil," poisons both the letter and the spirit of the law. Some 65 years after the end of the Nuremberg Tribunal, the definitions and caveats of global justice remain the same, but they are no more universally applied than they are remembered or summoned to spare various regions of the world the devastation and suffering they have now experienced.

Operation Cast Lead, code name for the U.S.-backed Israeli military offensive against the people of Gaza from December 27, 2008, to January 19, 2009, killed over 1,400 people, 85 per cent of them civilians and nearly 400 of them children; it wounded over 5,300 people; it devastated the agricultural, industrial and environmental infrastructures of the Gaza Strip; and further gutted the Gazan social and political foundations of what should have been by now one area of a vibrant and viable modern Palestinian state. Instead Gaza, like the other sec-

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The Game's Finally Up

California: Water and Real Estate

By Bill Hatch

California is going into its fourth year of drought and its second year of high-powered water warfare. The state now lives in a state of perpetual water anxiety. We even have a monthly religious rite at the top of Echo Pass, near Lake Tahoe. A shaman from the state Water Resources Department, surrounded by reporters stumbling in snowshoes, takes a magic wand onto a field of snow, plunges the wand into the snow, pulls it out, and utters predictions of the state's water supply. Reporters return to their newspapers and write that there is not enough water. Some of the older ones think of the 1974 classic movie, *Chinatown*, about a local water war in Los Angeles.

There is a drought, indeed, but there is no long-term water shortage in California. The state's water comes in different amounts, sometimes in floods, sometimes minimally in drought periods, most often in some quantity in between. On the other hand, there is an overpopulation problem and an agribusiness problem which, combined with three light-rainfall years, has shut down the king salmon commercial fishery for two years because of overpumping in the San Joaquin Delta. This overpumping from the largest estuary on the West Coast has occurred from the two pumps, state and federal, located side by side on the Delta, during a huge real estate boom and a gigantic expansion of orchards (mostly almonds) south of the Delta. Following a settlement between California and upstream users on the Colorado River, Southern California's other main source of fresh water, this ruinous overpumping has made extinction likely for some Delta species and is threatening the existence of a viable salmon fishery.

The latest plan to construct a peripheral canal around the Delta, tying into the state and federal canals running south, would permit salt from the ocean to penetrate the Delta all the way to Sacramento. This would cause great damage to Delta farming, which occurs on the richest land in the state, in favor of sending water to the west side of the San Joaquin Valley, where farming takes place on alkali flats and soil and groundwater is laced with salts and heavy metals, and a shallow layer of hardpan beneath the land creates a perched water table. Drainage water from the west-side farms has been legally trapped in that area since the ecological disaster at Kesterson Wildlife Refuge in the early 1980s, when west-side drainage to Kesterson was shown to cause death and deformity in migratory birds and other wildlife on the refuge. "Informal" means of exporting the toxic drainage water are under investigation at the moment. But the basic situation is that the west side is salting up and will be unfarmable in the near future. The landowners hope to maintain their federal water allotments in order to sell water to Southern California at urban retail prices. Recently, farmers have been selling their land to Southern California water districts for the water that is alleged to go with the land.

A large part of the propaganda about agricultural water in California today concerns supposed "rights" to sell water, developed for irrigation, to cities for large profits. It throws into doubt the speculation in almonds by humble "family farmers." It is too bad for real almond growers, who farm in areas where almonds naturally flourish, irrigate them from either groundwater or Sierra river water, because this west-side speculation is ruining their markets. The other main agricultural commodity still sell-

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ing below breakeven costs of production after 16 months is milk. California leads the nation in production of milk, and the San Joaquin Valley is the center of the dairy industry. Like urban development, California agricultural development has never been remotely moored to the concept of limits.

The addition of 5 million people in California (from 33 to 38 million) since 2000 took the state beyond the long-range carrying capacity of its natural resources. It made up the difference by transfers from agriculture in the north to the cities in the south and to agriculture in the south San Joaquin Valley. But, urban water politics is not about providing water for the existing population, it is about more prospective population growth. California economic growth, despite the claims of agriculture and several other industries still extant, has come to mean only one thing – growth in the housing industry. That process begins with real estate speculation, but real estate speculation is spurred by the promise of more water supply. The State Water Project long ago corrupted that process by promising many times the amount of water it has ever been able to deliver.

The housing boom and bust has left California with the highest number of foreclosures in the nation and the second highest unemployment rate. Because it is the largest state, it is now a drag on the entire national economy.

Developers don't merely influence state and local governments in California. They've owned them for decades, more completely than any business has owned California state and local governments since the era of the Southern Pacific Railroad Co. As California goes to Washington, D.C., looking for an $8 billion federal bailout to soften the blows of its midterm round of funding cuts, we are reminded of the arrogance, captured by Ambrose Bierce a century ago, of Southern Pacific methodically bribing congressmen to get them to forgive the $30 million debt the railroad owed to the federal government.

A few years after the state legislature unanimously passed electrical utility deregulation, in 2001 California went from a $12 billion surplus to a deficit of more than $20 billion, out of which it has tried unsuccessfully to crawl ever since. Even in the midst of an incredible inflation of real estate values, it did not completely balance its budget. The policy of California politicians at all levels has been to keep all state taxes low, making California an attractive place to live, by borrowing on the bond market. Entering 2010, California has the lowest bond rating in the U.S.A. and speculation that it will default on a bond payment in the coming year is no doubt stimulating credit default swap markets.

California's politics have begun to resemble New Guinea cargo cults, insisting on forcing through infrastructure on more borrowed money in the desperate hope of more population growth.

The state is awash in debt, from upside-down home mortgages, farm debt, commercial business slowdown, to junk muni bonds. When west-side landowners scream for more water for overproduced almonds and dairies, bankers are standing in line behind them. Local and state governments have been gutted from loss of property-tax income, as urban real estate values plunge. The most vulnerable members of society are the victims of choice. Health and human service budgets have been slashed, employees laid off, and the state is on a furlough system requiring some enforced days off without pay. As one county employee who works with the homeless in Merced County put it, if she loses her job, she will lose her home and "who will there be to help me when I'm homeless?" However, the broke county agreed to continue subsidizing agricultural property taxes.

The anxiety of the California population, the largest of any state in the country, has created a fertile field for political hysteria. State politics has begun to resemble New Guinea cargo cults, insisting on forcing through infrastructure on more borrowed money in the desperate hope – because our leaders are actually unable to imagine anything else – of more population growth.

The finest example of California political insanity at the moment is the 19th congressional district, where Richard Pombo announced his candidacy last week. The district is an interesting example of the gerrymandering art. It follows the San Joaquin River, from its headwaters in the Sierra to its confluence with the Mendota Pool on the west side of the San Joaquin Valley. The pool is the southern extremity of the Delta-Mendota Canal, originating in the Delta and beginning of the San Luis Canal, which flows southward to water the speculative almond orchards of Westlands Water District. The district includes Yosemite National Park, the Hetch-Hetchy Reservoir, Stanislaus National Forest, the Friant Dam, Lake Millerton and part of the Friant-Kern Canal, the Don Pedro Reservoir, parts of the Madera, Merced, Turlock, Modesto, Oakdale irrigation districts and one or two others in San Joaquin County. Even most Californians do not know most of these water projects by name, but they make up the midsection of the entire water delivery system.

In 2006, Pombo lost his Delta seat and chairmanship of the House "Resources" Committee (restored to its former title, Natural Resources Committee, in 2007) because he was exposed in that campaign for what he was, a pathological right-wing ideologue, crook and liar. We are not predicting that Pombo will give Yosemite back to the Indians and their

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corporate gaming associates to create the most beautiful casino in America, but, knowing Pombo, it's possible. And how long is his good friend, the convicted lobbyist and influence peddler, Jack Abramoff, in jail for anyway? It is more likely Pombo will do to the San Joaquin River Settlement, a quarter-century legal and congressional battle to put fresh water back into the river between Friant Dam and the Delta, what he did to the CalFed process that tried to "fix" the Delta for a decade: starve funding for it. Pombo and his backers do not want any salmon swimming in that river again. They want it just like it was: diverted to the southeast valley through the Friant-Kern Canal and the rest of the second longest river in the state as an agricultural drainage ditch.

California politics is the politics of mindless puppets. Our governor went to the Copenhagen climate-change conference pretending to be an Austrian green political philosopher, though he had just entered a bill in Sacramento to suspend the California Environmental Quality Act on a number of unnamed construction projects in the state. Looking for the puppeteers, we can't help but imagine that creditors of public and private debt will be pulling the strings for years to come.

The state, in its lust to be the biggest in every way, has grown ungovernable. It is neither governed nor effectively regulated; it is auctioned off, piece by piece, in backroom deals between puppets and plutocrats.

The grand water projects of the last century are now tearing the state apart environmentally, politically and economically. The top political demon of the puppet theater in 2010 will be environmental law, regulation, and anyone who dares to try to uphold them according to the laws of public process. Yet, environmentalists did not create the housing boom or the ecological destruction caused by agribusiness. Except for some ethically disadvantaged, large, corporately funded groups, environmentalists opposed the interests that created the current disaster. The corruption in the state's political culture regarding natural resources is so deep and unconscious that nobody embedded in it can think their way out. For 30 years, the state Capitol has been run on three propositions: that government should operate like a business; growth is inevitable; and there is a "free market" in private property rights in developed surface water. This effluvium of porcine spirits has left for dead the official mind in the face of a growing crisis in the state's natural resources.

At one point at the meeting with angry west-side growers last summer, U.S. Dept. of Interior Ken Salazar stood up and told them to sit and quiet down. They were so stunned that any politician would dare to say so that they did it. Salazar did not permit any more pumping from the Delta than was allowed by law last summer, despite high-priced propaganda campaigns, the latest a *60 Minutes* segment amounting to nothing more than Leslie Stahl going gaga over our telegenic Hun governor. Salazar is reported to be seriously considering running for governor of Colorado

The state, in its lust to be the biggest in every way, has grown ungovernable. It is neither governed nor effectively regulated; it is auctioned off, piece by piece, in backroom deals between puppets and plutocrats.

rather than face continual assaults against reason, taste and law by Pombo and the rest of the San Joaquin Valley congressional delegation – representatives Devin Nunes of Visalia, Jim Costa of Fresno, and Dennis Cardoza of Merced. They all belong to the same party, Big Ag & Water. Cardoza was Pombo's go-to Blue Dog henchman back in the day of continual attacks on the Endangered Species Act in the "Resources" Committee for the benefit of a handful of local developers during the boom. Together, as what local dairymen called the "Pomboza," they did everything congressmen can do to create a speculative rape of their adjoining districts, which resulted in the highest foreclosure rates and some of the highest unemployment rates in the nation.

California does not have a water crisis, at least not so far in this drought cycle. However, the most powerful interests in the state will continue to say there is one because they depend on real estate speculation. Large landowners near urban areas, developers, construction companies and mortgage lenders created a supply-driven housing boom that blew out. Speculation in water – the essential infrastructure for the next speculative boom – is increasing. At the same time, the most obvious population experiencing rapid growth consists of the homeless. When the Mojave or Irving Water Districts secure more water, the speculative price of their land increases. On and on it goes. It is absurd. It is reality. It is the absurd reality of California development, inextricably bound to a private market in the most essential public resource outside of air.

The public has one friend in court, the Public Trust Doctrine, the idea that the state holds the natural resources in trust for the people. A Public Trust lawsuit on the Delta faces challenges the equivalent of those facing a salmon smolt reaching the Golden Gate. But it is the best chance the California public has to defend itself against the plutocrats and their free-market water casino. **CP**

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Miss Palestine's rebellion

By Sousan Hammad

The introduction of media spectacles, like the breaking of a Guinness record for the largest plate of kanafeh and the search for a national beauty queen, are just two examples of how absurd practices are coming to be seen as normal in Palestinian cities.

In Nazareth, at the final ceremony of the Miss Palestine beauty pageant last month, confetti was poured over the participants, and a jeweled Victorian-style crown was placed on the head of the winner – a girl with blue eyes and blonde hair. Yara Mashour, organizer of Nazareth's Miss Palestine, said she started the pageant because she wanted to "introduce modern women to the Palestinian people...I believe in freedom. This pageant is about empowering women." Mashour, who considers herself a modern woman, boasts about her Western education and being unmarried. She wants Nazareth, she says, to become a part of the international world.

This was the fifth year for the Miss

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Medical Marijuana 2010
Soaring Demand Shoves Reformers Forward

By Fred Gardner

On October 17, 2009, David Ogden, the second highest official in the Justice Department, issued a "Memorandum for Selected United States Attorneys on Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana." It read like a reiteration of the mixed messages Attorney General Eric Holder had sent out verbally. Prosecutors "should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana. For example, prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law, who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources. On the other hand, prosecution of commercial enterprises that unlawfully market and sell marijuana for profit continues to be an enforcement priority of the Department."

Six weeks after Ogden sent the memo, he abruptly resigned to spend more time with his family. According to Charles Savage of the *New York Times*, "Holder and his staff had expressed repeated frustration when matters got bottled up in Mr. Ogden's office, including the administration's medical marijuana policy." Did this imply that Holder regretted the confusion and fear that the administration had sowed among pro-cannabis activists? Was he blaming Ogden?

Allen St. Pierre, the head of NORML, said he'd always considered Ogden to be somewhat sympathetic to the cause. So did Rick Doblin, who had met with Ogden concerning professor Lyle Craker's application for a federal license to grow marijuana for medical research purposes. Neither Ethan Nadelmann of the Drug Policy Alliance or Rob Kampia of the Marijuana Policy Project had good enough connections in the Administration to assess the meaning of Ogden's departure. The rank-and-file across the U.S. received no useful intelligence – as is so often the case. But the reform leaders are quick with a press release when there is a "win" to claim.

New Jersey legislators passed a bill on Jan. 11, enabling patients with grave conditions – AIDS, cancer, muscular dystrophy, ALS, multiple sclerosis – to obtain cannabis from state-approved dispensaries. The *New York Times* reported:

"Assemblyman Reed Gusciora, a Democrat from Princeton who sponsored the legislation, said New Jersey's would be the most restrictive medical marijuana law in the nation because it would permit doctors to prescribe it for only a set list of serious, chronic illnesses. The law would also forbid patients from growing their own marijuana...

"Mr. Christie [the incoming Republican governor] was asked about the bill during a press conference within shouting distance of the legislative chambers. He said he was concerned that the bill contained loopholes that might encourage recreational drug use.

"'I think we all see what's happened in California, Mr. Christie said. 'It's gotten completely out of control.'

"But the loophole Mr. Christie cited – a list of ailments so unrestricted that it might have allowed patients to seek marijuana to treat minor or nonexistent ailments – had already been closed by legislators. In the end, the bill received Republican as well as Democratic support."

Since Proposition 215 passed in 1996, some 400,000 Californians have been authorized by doctors to medicate with cannabis – and there have been zero deaths attributed to it, no rise in the incidence of schizophrenia, no pattern of adverse effects whatsoever. That's the real story.

Note the unchallenged assumption that California's experience with medical marijuana has been regrettable. To the contrary, since Proposition 215 passed in 1996, some 400,000 Californians have been authorized by doctors to medicate with cannabis – and there have been zero deaths attributed to it, no rise in the incidence of schizophrenia, no pattern of adverse effects whatsoever. That's the real story, given that marijuana was and is defined by federal law as a dangerous drug with no medical use. Its safety profile has been confirmed and documented by conscientious physicians who monitor their patients' cannabis use (while the media deride everyone in the field as "potdocs" and profiteers).

The Democratic politician from Princeton (a city that is to the pharmaceutical industry what Palo Alto is to the computer industry) was acting in the interests of his corporate constituents, when he pushed a bill that ostensibly legalizes marijuana for medical use but effectively prohibits its use for chronic pain, depression, headaches, PMS, ADHD, PTSD, and the broad array of illnesses for which most patients actually medicate with it.

The vote in New Jersey was followed by a fund-raising email from Ethan Nadelmann of the Drug Policy Alliance. "You can put another check in the win column for drug policy reform," it began. "New Jersey is about to become the 14th state to make medical marijuana legal."

Since 1996, when California voters passed Proposition 215, the strategy of Nadelmann and Kampia (who allocate funds for enlightened billionaires George Soros and Peter Lewis, respectively) has been to add states to the "win column" by orchestrating initiatives and lobbying for reform bills. Fourteen years after California passed Proposition 215, the reform leaders have added 13 "wins": Oregon, Washington, Alaska (1998), Maine (1999), Colorado, Hawaii, Nevada (2000), Vermont, Montana (2004), Rhode Island (2006), New Mexico (2007), Michigan (2008), and now New Jersey. Supposedly, there will come a "tip-

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ping point," resulting in changes in federal law, but the honchos do not seem to be in a super hurry.

There are four times as many medical marijuana users in California than there are in all Nadelmann's "win-column" states combined. This is partly a result of Proposition 215's open-ended wording. A doctor in California can approve cannabis use in the treatment of "any ... illness for which it provides relief." (The inclusive phrasing was suggested by Tod Mikuriya, M.D., who knew that cannabis had been used by doctors before the 1937 Prohibition to treat a wide range of conditions. Mikuriya had also been struck by the diversity of uses, reported by patients he interviewed at Dennis Peron's club in San Francisco. "Dr. Tod" died in 2006, a vocal critic of the "short-list initiatives" promoted by the Drug Policy Alliance and the Marijuana Policy Project.)

Proposition 215 called on the California legislature to implement a medical marijuana distribution system, which it did in 2003 – after years of task-force wrangling – by enacting SB-420, a bill protecting "qualified patients ... and ... designated primary caregivers ... who associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes." SB-420 led to a slow proliferation of dispensaries in California during the Bush era, despite raids by the DEA and state and local law enforcement.

In 2008, Attorney General Jerry Brown issued guidelines on how to operate legally as a collective (an entity not defined under state law) or as a cooperative corporation. A collective was defined as "an organization ... that facilitates the collaborative efforts of patients and caregiver members ... including the allocation of costs and revenues.

"Collectives should acquire marijuana only from their constituent members [in order to] ... lawfully transport ... or distribute to other members of the collective.

"Nothing allows marijuana to be purchased from outside the collective for distribution to its members. Instead the cycle should be a closed circuit of marijuana cultivation and consumption with no purchase or sales to or from nonmembers.

"To help prevent diversion to non-medical markets, collectives should document each member's contribution of labor, resource or money ... (and) track and record the source of their marijuana."

Brown's guidelines inspired the formation of more dispensing collectives and a much smaller number of registered cooperatives. Soon after the guidelines came out, Barack Obama was elected president, and his AG, Eric Holder, reiterated the campaign promise not to sic the DEA on medical marijuana providers who abide by state law. By the winter of 2008-09, entrepreneurs – some with no affinity whatsoever for cannabis – were vying for locations to open dispensaries, and Prohibitionists were using city and county zoning laws to block them.

Driving the expansion was popular demand, limited mainly by the number of doctors willing to authorize approvals. All these years into the Proposition 215 era, many patients, remain reluctant to ask their regular doctors if cannabis is right for them. And many doctors are unwilling to issue approvals, some out of fear (the state medical board can suspend or revoke their licenses) and some out of humility (having learned nothing about cannabis in med school).

By the winter of 2008-09, entrepreneurs – some with no affinity whatsoever for cannabis – were vying for locations to open dispensaries.

The only other state with a distribution system as responsive to demand as California's is Colorado, where the Board of Health ruled in the summer of 2009 that a caregiver can provide cannabis to any number of patients. Hundreds of dispensaries opened, most in Denver and its environs. Recently State Senator Chris Romer proposed regulations that will reduce their number.

Initiative 59

In 2010, Washington, D.C. is supposed to implement a medical marijuana initiative with a revealing but twisted history. A predecessor initiative, written in 1997 by ACT-UP organizer Stephen Michael and his partner Wayne Turner, failed to get enough signatures to make the ballot. (Nadelmann's operatives backed a competing D.C. measure that also stalled in '97.) In 1998, a second attempt endorsed by Michael and Turner made the ballot as "Initiative 59." Steve Michael lived long enough to see double the required number of signatures submitted to the Board of Elections.

The author and leading proponent of Initiative 59 was Steve DeAngelo, a 40-year-old D.C. resident who ran a successful hemp clothing company called Ecolution. DeAngelo had spent a year in law school – an interlude in a career devoted to cannabis. He used Proposition 215 as a starting point, paraphrased many of its lines, and added some of his own ideas. A key plank was that only not-for-profit corporations could distribute cannabis in D.C.

Prior to Election Day, 1998, Congress voted not to certify the results of Initiative 59, but D.C. residents got to vote on it anyway because the ballots had already been printed. An exit poll (paid for by Nadelmann, reconciled to a supportive role) showed Initiative 59 winning by a 69-31 margin. The ACLU sued to get the official tally made public. The Clinton Justice Department asked a federal judge to dismiss the ACLU suit – in vain. When it turned out that Initiative 59 had indeed passed overwhelmingly, Congressman Bob Barr of Georgia introduced an amendment to the Washington, D.C., budget to prohibit the certification of the election results: "None of the funds contained in this act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any Schedule I substance under the Controlled Substance Act, or any tetrahydrocannabinols derivative." This may have been the first time in U.S. history that election results were voided by an act of Congress.

The experience left DeAngelo demoralized, broke, and ready to leave the Washington area, where he had lived and worked since childhood. In 2000, he moved to California with the intention of getting involved in the medical marijuana industry. Six years later, he and a partner were presiding over the launch of Harborside Health Center, a spacious, well-lit dispensary that offered an astonishing selection of cannabis, edibles, tinctures, etc., as well as free services for patients such as acupuncture and massage.

Not adverse to publicity, DeAngelo made himself available to Bay Area re-

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porters and was soon discovered by the national media. After Harborside was featured in a *Fortune* magazine cover story last October, DeAngelo set up a consulting company to help entrepreneurs find locations for and create dispensaries, using Harborside as a model and/or a brand name. He spent the month of December 2009 supervising the launch of Harborside San Jose, which was soon drawing 150 patients per day, without any advertising. (Cannabis-oriented forums on the web sufficed to get the word out.) Patients typically spend about $80 per visit.

As this newsletter goes to press, DeAngelo is on a 10-day trip to Washington, D.C., trying to exert influence over the implementation of Initiative 59. For the first time since FY 1999, the so-called Barr Amendment was not attached to the D.C. appropriations bill that the president signed on Dec. 20. Allen St. Pierre of NORML credits Judiciary Committee Chairman John Conyers and the District's nonvoting Congressional delegate, Eleanor Holmes Norton, with getting the noxious rider dropped. At this stage, Congress can't modify the D.C. appropriations bill but can kill it entirely if one member drafts a "discharge petition" and gets a majority to sign on by early February. St. Pierre says, "This is a cumbersome process, almost unheard of. The odds are better than four to one that by June 1 there will be a medical marijuana law in D.C."

Although Congress can't change it, the Washington, D.C., City Council can and will revise Initiative 59. "That's why I'm here," says DeAngelo. "I have the best chance of achieving consensus between the reform groups and the local activists. We need to present the council with a set of coherent, defensible regulations:

"One: a reasonable cap on the number of dispensaries like we have in Oakland ... up to a dozen. This is to maximize their chances of surviving economically.

"Two: a competitive evaluation process, in which the interested parties would send proposals to the city, which would have the opportunity to select the best operators and proposals.

"Three: a mixed supply system where dispensaries would be able to cultivate for their members and members would be able to sell their surplus back to dispensaries. This is the closed-loop model: no one need be tempted to deal with the black market. Requiring a dispensary to cultivate all its own cannabis greatly increases the capital-investment requirements. You can create a wonderful dispensary that serves a couple of hundred people a day for $150,000 to $250,000. But if you have to add a grow facility to service those people, you'll need a million dollars. That's a huge burden to place on a nonprofit organization that can't take in shareholders or pay dividends. Where is that money going to come from? I guarantee that if a dispensary has to self-supply, the selection will be drastically limited."

DeAngelo points out that the closed-loop model enables patient-growers to make a living. As more patients take up

"This is a cumbersome process, almost unheard of. The odds are better than four to one that by June 1 there will be a medical marijuana law in D.C."

growing for economic reasons, the industry develops cadres with a vested interest in its survival and success. **CP**

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Palestine beauty pageant, also called Miss Lilac. Some in Nazareth repudiated the pageant as an overexpensive effort, while the reaction from Israelis was "backward," as Mashour said. "Every time Israelis see us moving forward, they get shocked. They don't want to see us as progressive people."

But being ostracized isn't a concern for Mashour. She is used to resentment from Nazarenes for the "taboo" subjects her magazine highlights, such as sex, orgasms and nose jobs. Along with her sister, Mashour started *Lilac* magazine almost ten years ago, and they received so much attention that even the *New York Times* wrote about it. It called the magazine a "Western-styled hybrid of *Cosmo Girl* and *People* with an Arab setting" – a feat, of course, for the sisters.

In Ramallah, the circumstances were different. The inaugural West Bank beauty pageant was set to run on December 26 (a day prior to the first anniversary of the Israeli-led war on the Palestinian people in Gaza). But five days before the competition, Palestinian Authority (PA) officials decided to cancel the event because of the "conflicting schedule."

Hamas published a press release prior to the PA's decision, stating that such a contest "completely contradicts Palestinian values and traditions." The statement added, "Showing beautiful girls in front of the mass media and the audience while our people in Gaza are suffering ... is rejected and is considered a blind imitation of Western traditions."

Miss Palestine quickly became a topic of fascination for journalists. One publication reported that the event was a way of providing a "new angle on the Palestinian-Israeli conflict." So, when the pageant was canceled, the Israeli and Western press demonized the PA, even more so Hamas, for its decision to stop the pageant. In a *Global News* article, a reporter described Salwa Yusef, Ramallah's pageant organizer, as a defiant woman who is divorced and smokes cigarettes. She tragically spoke about her dream of starting a beauty pageant as if saying it would civilize the West Bank. "We are a society just like any other – yes, we live under occupation, but that does not mean we cannot have celebrations." Yusef, like Mashour, seems to think that a beauty pageant could liberate Palestinian women and encourage them to become independent. However, the majority of women who signed up for the event dropped out because of pressure from their families. On choosing to have the pageant on nearly the same day as the Gaza war commemoration, Yusef unabashedly said that she was not political. She repeatedly expressed hope that the Miss Palestine competition would proceed in January (if the PA allows it).

The tragedy here is not only the transformation of women into fetishized commodities but the belief that these events will create a sense of normalcy in Palestine.**CP**

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tions of this hacked up land, lies drained of its lifeblood like a severed limb. Its past recalls shockingly brutal years of occupation, torture, degradation and mutilation by an aggressor granted immunity from the principles of world order. But Israel's exemption from the primary tenets of international law flows straight out of the self-exemption from those same laws that the United States has insisted upon for itself in global affairs.

The Goldstone Report, commendable for its outspoken condemnation of the *conduct* of the IDF (Israel Defense Forces) during Operation Cast Lead, fails, however, to hint at how Israel was allowed to get away with such savagery in the first place. Indeed, Justice Richard Goldstone initially refused the request to conduct an investigation into the winter assault. He agreed to head the investigation only after the chairperson of the United Nations Committee who had originally sought his assistance agreed to let him write the mandate for the mission in his own words. Goldstone's mandate insisted that both Israel's and Hamas' actions would have to be investigated in order for the report to be fair – a prerequisite that could have been legitimate had it simultaneously emphasized the military and political disparities between these two parties to the conflict. In the end, Goldstone's report does the opposite: it equates the actions of the occupied with those of the occupier and attributes the lion's share of responsibility for the outbreak of the "war" to the actions of the occupied – Hamas' firing of rockets over the Gaza border into Israel.

Operation Cast Lead is rarely characterized as an act of illegal and unjustifiable aggression. In fact, ultimately Goldstone's depiction of Israel's assault on Gaza as exercising its legitimate "right to self-defense" is entirely consistent with what both U.S. and Israeli governmental and media spokespeople claimed from the beginning. Unsurprisingly, U.S. pro-Israel lobby groups and public relations organizations continually repeat the lie – in print and over the airwaves – that last year's three-week-long assault on Gaza by U.S.-backed Israeli forces was both logical and forgivable under the circumstances – even if some of the actions that occurred during the operation were "excessive" or "disproportionate," as if such actions can now be forgiven, forgotten, chalked up to "isolated incidents," or the "natural" anger and vengeance that come out in human behavior in times of conflict or war.

The 36 war crimes selected for careful review by the Goldstone Commission were but a sampling of thousands of illegal and unspeakable acts of savagery committed against the civilian population of Gaza; indeed, they defined the operation by being the rule rather than the exception. The entire operation was one monstrous war crime, but this plain fact eludes Justice Goldstone just as it is overlooked today in our memorials and analyses of what happened to an imprisoned and defenseless population, 56 per cent of whom are children. The "defensive" nature of Israel's military operation is rarely questioned or even noticed, and because Justice Richard Goldstone himself never undertook to question whether Operation Cast Lead had any *legitimate* basis from the start, the overall legal value of the Goldstone Report is seriously flawed.

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Under international law acts of aggression are illegal; in addition, no nation has the right to defend itself using force. Articles 2 and 51 of the United Nations Charter prohibit military action even in cases of self-defense until all peaceful means of resolving a conflict have been exhausted. Even then the intervention of the United Nations must precede any move toward a resolution of the conflict by force. Rather than solve the problem of Hamas rocket fire peacefully, Israel responded using violence. More to the point, Hamas had offered to reinstate the cease-fire, even to go back to the agreements of 2005, before Hamas won the election. Israel considered these options and rejected them out of hand, although it had every reason to believe they would work. After all, Hamas had abided by the cease-fire faithfully from its inception. It was Israel, with U.S. approval, that violated it repeatedly, day after day, throughout the six-month period in which it took effect.

Just as Israel routinely violates international law and the agreements it signs with the Palestinian Authority in the West Bank, its record of adherence to international standards of law and morality in the Gaza Strip, which it is slowly smothering to death, is worse than abysmal. In the overall historical context of the occupation and dispossession of the Palestinians, we must, therefore, view Hamas' rocket fire in the context of resistance, despite the fact that this particular act of retaliation is illegal: the rockets are too primitive to distinguish between civilian and military targets and the soldiers who fire them are aware of this fact. Although nonviolent resistance has been by far the dominant method of resistance by the Palestinian people for decades, despite pervasive propaganda to the contrary, there are still many people, including Palestinians, who believe that the U.S.A. and Israel are only able to comprehend the language of force.

Israel's claim that Operation Cast

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Lead was the legitimate expression of its right to self-defense was disingenuous for other reasons. Israeli military officials had drawn up the blueprints for it prior to the beginning of the six-month-long cease-fire that Hamas had been observing. Only after Israel's most egregious breach of the cease-fire on November 4, involving an incursion into middle Gaza, in which the IDF killed six Palestinians, did Hamas begin firing rockets. Otherwise, Israel officially recognized that Hamas had fired no rockets during the cease-fire up until then, despite the continuation of its deadly siege of Gaza. Israel didn't pursue nonviolent means to stop the rocket fire prior to its aerial blitz on Gaza City on December 27, 2008, in which more than 300 people died in a matter of minutes, other than phony cease-fire re-negotiation efforts its top military brass pretended to conduct in order to catch the population of Gaza off its guard.

By relaxing its border control areas immediately prior to the beginning of Operation Cast Lead, allowing in greater quantities of humanitarian aid despite the illegal siege, Israel deceived the public in Gaza into believing that the situation was beginning to ease up. This helped the Israeli military to achieve one of its war aims, namely, to exact the "highest number of enemy casualties possible" once the operation had begun. (Yoav Gallant, IDF chief of the Southern Command; *Haaretz*, Dec. 27, 2008). It is reasonable to assume that by the word "enemy" Gallant and his colleagues meant "Palestinians" and not "militants," since more than three quarters of the dead were Palestinian civilians.

Operation Cast Lead was consequently an act of sheer aggression against the people and territory of the Gaza Strip for which there were no justifications. All of the horrors that occurred during this event could have been prevented if the single lie that it was a legitimate act of self-defense had been exposed from the start.

If the informed public in our own country were not so deeply indoctrinated with an imperial ideology that what we and our friends do is just and good and what our "enemies" do is terrorist and bad, it might then more easily grasp the simple truth that all acts of aggression are illegal and are the source for the collective set of horrors that follow in their wake. Denouncing aggression as such before it begins could help prevent the suffering and violence that await far too many of us in the near future. We have to do more than identify and condemn individual war crimes after they are committed. We must stop the perpetrators and the machinery of war before they embark on their destructive paths. Overcoming entrenched propaganda is difficult but not impossible, especially when families, students, educators, workers, activists and other concerned citizens work together to awaken, organize and mobilize public opinion in the United States and across the world. **CP**

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